
HOUSE BILL 1819

State of Washington 60th Legislature 2007 Regular Session

By Representatives Lovick, Strow, Ericks, Armstrong, Springer,
Newhouse, Kenney, O'Brien, Goodman, Morrell and Moeller

Read first time 01/29/2007. Referred to Committee on Transportation.

1 AN ACT Relating to furnishing liquor to minors; amending RCW
2 66.44.270, 46.20.342, and 46.20.391; adding a new section to chapter
3 46.20 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as
6 follows:

7 (1) It is unlawful for any person to sell, give, or otherwise
8 supply liquor to any person under the age of twenty-one years or permit
9 any person under that age to consume liquor on his or her premises or
10 on any premises under his or her control. For the purposes of this
11 subsection, "premises" includes real property, houses, buildings, and
12 other structures, and motor vehicles and watercraft. A violation of
13 this subsection is a gross misdemeanor punishable as provided for in
14 chapter 9A.20 RCW. The court shall notify the department of licensing
15 within twenty-four hours after entry of a judgment for a violation of
16 this subsection.

17 (2)(a) It is unlawful for any person under the age of twenty-one
18 years to possess, consume, or otherwise acquire any liquor. A

1 violation of this subsection is a gross misdemeanor punishable as
2 provided for in chapter 9A.20 RCW.

3 (b) It is unlawful for a person under the age of twenty-one years
4 to be in a public place, or to be in a motor vehicle in a public place,
5 while exhibiting the effects of having consumed liquor. For purposes
6 of this subsection, exhibiting the effects of having consumed liquor
7 means that a person has the odor of liquor on his or her breath and
8 either: (i) Is in possession of or close proximity to a container that
9 has or recently had liquor in it; or (ii) by speech, manner,
10 appearance, behavior, lack of coordination, or otherwise, exhibits that
11 he or she is under the influence of liquor. This subsection (2)(b)
12 does not apply if the person is in the presence of a parent or guardian
13 or has consumed or is consuming liquor under circumstances described in
14 subsection (~~((4) or~~) (5) or (6) of this section.

15 (3) Subsections (1) and (2)(a) of this section do not apply to
16 liquor given or permitted to be given to a person under the age of
17 twenty-one years by a parent or guardian and consumed in the presence
18 of the parent or guardian. This subsection shall not authorize
19 consumption or possession of liquor by a person under the age of
20 twenty-one years on any premises licensed under chapter 66.24 RCW.

21 (4) Subsection (1) of this section does not apply to liquor given
22 to a minor by any person licensed to sell or dispense liquor provided
23 the licensee is acting within the scope of its license.

24 (5) This section does not apply to liquor given for medicinal
25 purposes to a person under the age of twenty-one years by a parent,
26 guardian, physician, or dentist.

27 (~~((5))~~) (6) This section does not apply to liquor given to a person
28 under the age of twenty-one years when such liquor is being used in
29 connection with religious services and the amount consumed is the
30 minimal amount necessary for the religious service.

31 (~~((6))~~) (7) Conviction or forfeiture of bail for a violation of
32 this section by a person under the age of twenty-one years at the time
33 of such conviction or forfeiture shall not be a disqualification of
34 that person to acquire a license to sell or dispense any liquor after
35 that person has attained the age of twenty-one years.

36 NEW SECTION. Sec. 2. A new section is added to chapter 46.20 RCW
37 to read as follows:

1 Upon receipt of a notice of a conviction from a court pursuant to
2 RCW 66.44.270(1), the department shall suspend the driver's license or
3 driving privileges of a person as follows:

4 (1) Upon receipt of a first notice, suspension for thirty days;

5 (2) Upon receipt of a second or subsequent notice, suspension for
6 one hundred eighty days.

7 **Sec. 3.** RCW 46.20.342 and 2004 c 95 s 5 are each amended to read
8 as follows:

9 (1) It is unlawful for any person to drive a motor vehicle in this
10 state while that person is in a suspended or revoked status or when his
11 or her privilege to drive is suspended or revoked in this or any other
12 state. Any person who has a valid Washington driver's license is not
13 guilty of a violation of this section.

14 (a) A person found to be an habitual offender under chapter 46.65
15 RCW, who violates this section while an order of revocation issued
16 under chapter 46.65 RCW prohibiting such operation is in effect, is
17 guilty of driving while license suspended or revoked in the first
18 degree, a gross misdemeanor. Upon the first such conviction, the
19 person shall be punished by imprisonment for not less than ten days.
20 Upon the second conviction, the person shall be punished by
21 imprisonment for not less than ninety days. Upon the third or
22 subsequent conviction, the person shall be punished by imprisonment for
23 not less than one hundred eighty days. If the person is also convicted
24 of the offense defined in RCW 46.61.502 or 46.61.504, when both
25 convictions arise from the same event, the minimum sentence of
26 confinement shall be not less than ninety days. The minimum sentence
27 of confinement required shall not be suspended or deferred. A
28 conviction under this subsection does not prevent a person from
29 petitioning for reinstatement as provided by RCW 46.65.080.

30 (b) A person who violates this section while an order of suspension
31 or revocation prohibiting such operation is in effect and while the
32 person is not eligible to reinstate his or her driver's license or
33 driving privilege, other than for a suspension for the reasons
34 described in (c) of this subsection, is guilty of driving while license
35 suspended or revoked in the second degree, a gross misdemeanor. This
36 subsection applies when a person's driver's license or driving
37 privilege has been suspended or revoked by reason of:

1 (i) A conviction of a felony in the commission of which a motor
2 vehicle was used;

3 (ii) A previous conviction under this section;

4 (iii) A notice received by the department from a court or diversion
5 unit as provided by RCW 46.20.265, relating to a minor who has
6 committed, or who has entered a diversion unit concerning an offense
7 relating to alcohol, legend drugs, controlled substances, or imitation
8 controlled substances;

9 (iv) A conviction of RCW 46.20.410, relating to the violation of
10 restrictions of an occupational or a temporary restricted driver's
11 license;

12 (v) A conviction of RCW 46.20.345, relating to the operation of a
13 motor vehicle with a suspended or revoked license;

14 (vi) A conviction of RCW 46.52.020, relating to duty in case of
15 injury to or death of a person or damage to an attended vehicle;

16 (vii) A conviction of RCW 46.61.024, relating to attempting to
17 elude pursuing police vehicles;

18 (viii) A conviction of RCW 46.61.500, relating to reckless driving;

19 (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a
20 person under the influence of intoxicating liquor or drugs;

21 (x) A conviction of RCW 46.61.520, relating to vehicular homicide;

22 (xi) A conviction of RCW 46.61.522, relating to vehicular assault;

23 (xii) A conviction of RCW 46.61.527(4), relating to reckless
24 endangerment of roadway workers;

25 (xiii) A conviction of RCW 46.61.530, relating to racing of
26 vehicles on highways;

27 (xiv) A conviction of RCW 46.61.685, relating to leaving children
28 in an unattended vehicle with motor running;

29 (xv) A conviction of RCW 46.61.740, relating to theft of motor
30 vehicle fuel;

31 (xvi) A conviction of RCW 46.64.048, relating to attempting,
32 aiding, abetting, coercing, and committing crimes;

33 (xvii) A conviction of RCW 66.44.270, relating to furnishing liquor
34 to minors;

35 (xviii) An administrative action taken by the department under
36 chapter 46.20 RCW; or

37 ~~((xviii))~~ (xix) A conviction of a local law, ordinance,

1 regulation, or resolution of a political subdivision of this state, the
2 federal government, or any other state, of an offense substantially
3 similar to a violation included in this subsection.

4 (c) A person who violates this section when his or her driver's
5 license or driving privilege is, at the time of the violation,
6 suspended or revoked solely because (i) the person must furnish proof
7 of satisfactory progress in a required alcoholism or drug treatment
8 program, (ii) the person must furnish proof of financial responsibility
9 for the future as provided by chapter 46.29 RCW, (iii) the person has
10 failed to comply with the provisions of chapter 46.29 RCW relating to
11 uninsured accidents, (iv) the person has failed to respond to a notice
12 of traffic infraction, failed to appear at a requested hearing,
13 violated a written promise to appear in court, or has failed to comply
14 with the terms of a notice of traffic infraction or citation, as
15 provided in RCW 46.20.289, (v) the person has committed an offense in
16 another state that, if committed in this state, would not be grounds
17 for the suspension or revocation of the person's driver's license, (vi)
18 the person has been suspended or revoked by reason of one or more of
19 the items listed in (b) of this subsection, but was eligible to
20 reinstate his or her driver's license or driving privilege at the time
21 of the violation, or (vii) the person has received traffic citations or
22 notices of traffic infraction that have resulted in a suspension under
23 RCW 46.20.267 relating to intermediate drivers' licenses, or any
24 combination of (i) through (vii), is guilty of driving while license
25 suspended or revoked in the third degree, a misdemeanor.

26 (2) Upon receiving a record of conviction of any person or upon
27 receiving an order by any juvenile court or any duly authorized court
28 officer of the conviction of any juvenile under this section, the
29 department shall:

30 (a) For a conviction of driving while suspended or revoked in the
31 first degree, as provided by subsection (1)(a) of this section, extend
32 the period of administrative revocation imposed under chapter 46.65 RCW
33 for an additional period of one year from and after the date the person
34 would otherwise have been entitled to apply for a new license or have
35 his or her driving privilege restored; or

36 (b) For a conviction of driving while suspended or revoked in the
37 second degree, as provided by subsection (1)(b) of this section, not
38 issue a new license or restore the driving privilege for an additional

1 period of one year from and after the date the person would otherwise
2 have been entitled to apply for a new license or have his or her
3 driving privilege restored; or

4 (c) Not extend the period of suspension or revocation if the
5 conviction was under subsection (1)(c) of this section. If the
6 conviction was under subsection (1)(a) or (b) of this section and the
7 court recommends against the extension and the convicted person has
8 obtained a valid driver's license, the period of suspension or
9 revocation shall not be extended.

10 **Sec. 4.** RCW 46.20.391 and 2004 c 95 s 7 are each amended to read
11 as follows:

12 (1)(a) Any person licensed under this chapter who is convicted of
13 an offense relating to motor vehicles for which suspension or
14 revocation of the driver's license is mandatory, other than vehicular
15 homicide or vehicular assault, or who has had his or her license
16 suspended, revoked, or denied under RCW 46.20.3101, or who has his or
17 her license suspended under section 2 of this act, may submit to the
18 department an application for a temporary restricted driver's license.
19 The department, upon receipt of the prescribed fee and upon determining
20 that the petitioner is eligible to receive the license, may issue a
21 temporary restricted driver's license and may set definite restrictions
22 as provided in RCW 46.20.394. No person may petition for, and the
23 department shall not issue, a temporary restricted driver's license
24 that is effective during the first thirty days of any suspension or
25 revocation imposed for a violation of RCW 46.61.502 or 46.61.504 or,
26 for a suspension, revocation, or denial imposed under RCW 46.20.3101,
27 during the required minimum portion of the periods of suspension,
28 revocation, or denial established under (c) of this subsection.

29 (b) An applicant under this subsection whose driver's license is
30 suspended or revoked for an alcohol-related offense, other than a
31 suspension under section 2 of this act, shall provide proof to the
32 satisfaction of the department that a functioning ignition interlock
33 device has been installed on a vehicle owned or operated by the person.

34 (i) The department shall require the person to maintain such a
35 device on a vehicle owned or operated by the person and shall restrict
36 the person to operating only vehicles equipped with such a device, for
37 the remainder of the period of suspension, revocation, or denial.

1 (ii) Subject to any periodic renewal requirements established by
2 the department pursuant to this section and subject to any applicable
3 compliance requirements under this chapter or other law, a temporary
4 restricted driver's license granted after a suspension or revocation
5 under RCW 46.61.5055 or 46.20.3101 extends through the remaining
6 portion of any concurrent or consecutive suspension or revocation that
7 may be imposed as the result of administrative action and criminal
8 conviction arising out of the same incident.

9 (iii) The time period during which the person is licensed under
10 this section shall apply on a day-for-day basis toward satisfying the
11 period of time the ignition interlock device restriction is required
12 under RCW 46.20.720 (1) and (2) (a), (b), and (c).

13 (c) The department shall provide by rule the minimum portions of
14 the periods of suspension, revocation, or denial set forth in RCW
15 46.20.3101 after which a person may apply for a temporary restricted
16 driver's license under this section. In establishing the minimum
17 portions of the periods of suspension, revocation, or denial, the
18 department shall consider the requirements of federal law regarding
19 state eligibility for grants or other funding, and shall establish such
20 periods so as to ensure that the state will maintain its eligibility,
21 or establish eligibility, to obtain incentive grants or any other
22 federal funding.

23 (2)(a) A person licensed under this chapter whose driver's license
24 is suspended administratively due to failure to appear or pay a traffic
25 ticket under RCW 46.20.289; a violation of the financial responsibility
26 laws under chapter 46.29 RCW; or for multiple violations within a
27 specified period of time under RCW 46.20.291, may apply to the
28 department for an occupational driver's license.

29 (b) If the suspension is for failure to respond, pay, or comply
30 with a notice of traffic infraction or conviction, the applicant must
31 enter into a payment plan with the court.

32 (c) An occupational driver's license issued to an applicant
33 described in (a) of this subsection shall be valid for the period of
34 the suspension or revocation.

35 (3) An applicant for an occupational or temporary restricted
36 driver's license who qualifies under subsection (1) or (2) of this
37 section is eligible to receive such license only if:

1 (a) Within seven years immediately preceding the date of the
2 offense that gave rise to the present conviction or incident, the
3 applicant has not committed vehicular homicide under RCW 46.61.520 or
4 vehicular assault under RCW 46.61.522; and

5 (b) The applicant demonstrates that it is necessary for him or her
6 to operate a motor vehicle because he or she:

7 (i) Is engaged in an occupation or trade that makes it essential
8 that he or she operate a motor vehicle;

9 (ii) Is undergoing continuing health care or providing continuing
10 care to another who is dependent upon the applicant;

11 (iii) Is enrolled in an educational institution and pursuing a
12 course of study leading to a diploma, degree, or other certification of
13 successful educational completion;

14 (iv) Is undergoing substance abuse treatment or is participating in
15 meetings of a twelve-step group such as Alcoholics Anonymous that
16 requires the petitioner to drive to or from the treatment or meetings;

17 (v) Is fulfilling court-ordered community service responsibilities;

18 (vi) Is in a program that assists persons who are enrolled in a
19 WorkFirst program pursuant to chapter 74.08A RCW to become gainfully
20 employed and the program requires a driver's license;

21 (vii) Is in an apprenticeship, on-the-job training, or welfare-to-
22 work program; or

23 (viii) Presents evidence that he or she has applied for a position
24 in an apprenticeship or on-the-job training program for which a
25 driver's license is required to begin the program, provided that a
26 license granted under this provision shall be in effect for no longer
27 than fourteen days; and

28 (c) The applicant files satisfactory proof of financial
29 responsibility under chapter 46.29 RCW; and

30 (d) Upon receipt of evidence that a holder of an occupational
31 driver's license granted under this subsection is no longer enrolled in
32 an apprenticeship or on-the-job training program, the director shall
33 give written notice by first class mail to the driver that the
34 occupational driver's license shall be canceled. The effective date of
35 cancellation shall be fifteen days from the date of mailing the notice.
36 If at any time before the cancellation goes into effect the driver
37 submits evidence of continued enrollment in the program, the
38 cancellation shall be stayed. If the cancellation becomes effective,

1 the driver may obtain, at no additional charge, a new occupational
2 driver's license upon submittal of evidence of enrollment in another
3 program that meets the criteria set forth in this subsection; and

4 (e) The department shall not issue an occupational driver's license
5 under (b)(iv) of this subsection if the applicant is able to receive
6 transit services sufficient to allow for the applicant's participation
7 in the programs referenced under (b)(iv) of this subsection.

8 (4) A person aggrieved by the decision of the department on the
9 application for an occupational or temporary restricted driver's
10 license may request a hearing as provided by rule of the department.

11 (5) The director shall cancel an occupational or temporary
12 restricted driver's license upon receipt of notice that the holder
13 thereof has been convicted of operating a motor vehicle in violation of
14 its restrictions, or of a separate offense that under chapter 46.20 RCW
15 would warrant suspension or revocation of a regular driver's license.
16 The cancellation is effective as of the date of the conviction, and
17 continues with the same force and effect as any suspension or
18 revocation under this title.

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